

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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	:	
ANTON PAAR OPTOTEC GMBH,	:	
	:	
Plaintiff,	:	Civ. Action No. 3:16-CV-03789-MAS-LHG
	:	
v.	:	JURY TRIAL DEMANDED
	:	
RUDOLPH RESEARCH ANALYTICAL,	:	
INC.	:	
	:	
Defendant.	:	
	:	
	-X	

ANSWER OF RUDOLPH RESEARCH ANALYTICAL, INC.

Defendant Rudolph Research Analytical, Inc. (“Rudolph Research” or “Defendant”) by and through its undersigned Counsel hereby files its Answer, Affirmative Defenses, and Counterclaims to Plaintiff Anton Paar Optotec Gmbh’s (“Anton Paar’s” or “Plaintiff’s”) Complaint as follows:

PRELIMINARY STATEMENT

1. Admitted that this is an action for the causes stated, and that a polarimeter is a scientific instrument used to measure the angle of rotation of the plane of polarization caused by passing polarized light through an optically active substance. The last sentence is denied.

PARTIES

2. Lacks information to admit or deny.
3. Admitted that Rudolph has a principal place of business at 55 Newburgh Road, Hackettstown New Jersey 07840, but denied that Rudolph is a New Jersey Corporation.

JURISDICTION AND VENUE

4. Admitted to the extent that jurisdiction is proper. Denied that the amount in controversy exceeds \$75,000.

5. Admitted this Court has general personal jurisdiction over Rudolph. Denied that any wrongful act has occurred in the State of New Jersey.

6. Admitted that venue is proper in this district, but otherwise denied.

BACKGROUND FACTS

Polarimeters in General

7. Admitted.

8. Lacks information to admit or deny.

Measuring Principles in Polarimeters

9. Admitted.

10. Admitted.

Traceability of Calibration

11. Admitted.

12. Admitted.

13. The first sentence is admitted. The second sentence is denied as the word “compares” is insufficient to show traceability and is vague. Third sentence is denied because traceability requires much more than that recited requirements.

14. Admitted as to the first through third sentences. Lacks information to admit or deny the remaining two sentences.

Global Competition

15. Lacks information to admit or deny.

16. Lacks information to admit or deny.

Anton Paar's Quartz Control Plates Are Traceable to the PTB National Standards

17. Denied as to the first sentence, admitted as to the second and third sentences.
18. Lacks information to admit or deny the first sentence. Admitted as to the second sentence, and denied as to the third sentence.
19. Admitted as to the first sentence, and denied as to the second sentence.

Optical Rotation Calibration According to US and EU Pharmacopoeias

20. Admitted, with the caveat that in addition to complying with the binding standards mentioned, an FDA inspected Pharma company must also comply with all FDA decisions and inspection history as well as additional requirements related to the subject matter within USP<781> or the interpretation of said subject matter; specifically "sample bracketing and linearity testing".
21. Admitted.
22. Admitted.
23. Admitted, with the caveat that these documents must be applied and interpreted in conjunction with certain FDA decisions, policies, inspection history, and other requirements must also be complied with.

Traceable Temperature Calibration

24. Lacks information to admit or deny.
25. Lacks information to admit or deny.
26. The last sentence is denied. As to the remainder, Rudolph lacks information to admit or deny.

Monitoring of the Sample Filling Process

27. Denied.

28. Admitted.

29. Lacks information to admit or deny the first sentence. The second sentence is denied, due to the fact that it is not known whether the alleged facts in the first sentence provide any technological advantage at all.

30. The first sentence is admitted, and the second sentence is denied.

Data Export and Communication

31. Denied, because some type of interface is required in order to interface into the customer's data network and storage.

Rudolph's False and Misleading Statements About Anton Paar
(Denied that the statements are false or misleading)

32. The first sentence is admitted. The remainder is denied.

33. The first sentence is admitted. The remainder is denied.

34. Denied.

35. Denied.

36. Admitted, Denied, Denied, Admitted, Denied, as to the first through fifth sentences, respectively.

37. Denied.

Anton Paar's Efforts to Resolve the Dispute

38. Denied.

39. Denied, as the Complaint contains no exhibit C. As to whether any December 23, 2015 letter was sent, Rudolph has no record of receiving such a letter and lacks information to admit or deny whether it was ever sent.

40. Denied.

COUNT I

(False Advertising Under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a))

- 41. Rudolph repeats its responses to paragraphs 1 through 40.
- 42. Denied.
- 43. Denied.
- 44. Denied.
- 45. Denied.
- 46. Denied that any of Rudolph's statements affected products in any way but admitted that such products are sold in interstate commerce.
- 47. Denied.
- 48. Denied.
- 49. Denied.
- 50. Denied.

COUNT II

(Common Law False Advertising)

- 51. Rudolph repeats its responses to paragraphs 1 through 50.
- 52. Denied.
- 53. Denied.
- 54. Denied.
- 55. Denied.
- 56. Denied.
- 57. Denied.
- 58. Denied.

COUNT III
(Unfair Competition)

59. Rudolph repeats its responses to paragraphs 1 through 58.

60. Denied.

61. Denied.

COUNT IV
(Violation of the New Jersey Consumer Fraud Act, N.J. Stat § 56:8-2)

62. Rudolph repeats its responses to paragraphs 1 through 61.

63. Denied.

64. Denied.

65. Denied.

COUNT V
(Trade Libel)

66. Rudolph repeats its responses to paragraphs 1 through 65.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

COUNT VI
(Tortious Interference with Contractual and Prospective Economic Relations)

71. Rudolph repeats its responses to paragraphs 1 through 70.

72. Defendant lacks sufficient knowledge of Plaintiff's expectations at this time to admit or deny the allegations.

73. Denied.

74. Denied.

75. Denied.

(Demand for Jury Trial and Prayer for Relief)

All allegations and remedies requested in the Demand for Jury Trial and Prayer for Relief section of the Complaint should be Denied.

PRAYER FOR RELIEF

WHEREFORE, Defendant Rudolph Research, prays for a judgment against Plaintiff Anton Paar, and requests that the Court issue an order:

- A. Dismissing the case and/or denying all relief sought by Plaintiff;
- B. Awarding attorneys' fees and costs against Plaintiff;
- C. Declaring that Plaintiff's claims are barred; and
- D. Such other and further relief as this Court deems fair and just.

DEMAND FOR JURY TRIAL

Defendant hereby demands a trial by jury of all issues so triable in this action.

Respectfully submitted,

Dated: 8/23/2016

By: /s/ Jeffrey I. Kaplan

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